UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION DOCKET NO. 3:12-cr-00138-MOC

UNITED STATES OF AMERICA,)	
)	
)	
)	
Vs.)	ORDER
)	
TIMOTHY MACKEY,)	
)	
Defendant.)	

THIS MATTER is before the court on defendant's letter concerning his transfer from one facility to another within BOP. For cause, defendant states that BOP transferred him from one facility to another facility more than 500 miles from Charlotte based on a disciplinary action that was later expunged. Defendant contends that such transfer violates this court's recommendation that he be placed at a facility as close to Charlotte as possible. As the court told defendant at the time of sentencing, a recommendation as to placement is only a recommendation and that the BOP has complete discretion as to where to place inmates.

MR. WINIKER: Very briefly, Your Honor. If the Court could request the Bureau of Prisons

allow the defendant to be assigned to a facility as close to Charlotte as possible. THE COURT: I will, although it's not always followed. When it is followed, close to Charlotte is within 500 miles, according to the regulations. Which haven [sic] driven that before is not real close to me.

Sent'g Trans. (#57) at 24. Where the BOP decides not to follow the court's recommendation, there is simply no relief that a court can provide a defendant.

ORDER

IT IS, THEREFORE, ORDERED that defendant's letter (#63), to the extent it seeks relief as to placement or designation, is **DENIED** as non-justiciable.

Signed: November 17, 2014

Max O. Cogburn Jr. United States District Judge